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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,332	03/29/2001	Bernd Hessing	1554	5352

7590

03/12/2003

STRIKER, STRIKER & STENBY
103 East Neck Road
Huntington, NY 11743

EXAMINER

TWEEL JR, JOHN ALEXANDER

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,332

Applicant(s)

HESSING ET AL.

Examiner

John A. Tweel, Jr.

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the transmitter- and receiver- side location data banks must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms that are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are:

- Page 2, Line 10: The acronym "TMC" should be spelled out at least once.
- Page 2, Line 16: The first usage of "segment" should be plural.

- Page 4, Lines 11-13: This section of the sentence makes almost no sense. What exactly is “means of measure of the obstruction”? What exactly was “not possible”?
- Page 4, Lines 14 and 16: The acronyms RDS and GSM should be spelled out at least once.
- Page 4, Line 16: “...messages in similar way...”.
- Page 5, Lines 14, 16, and 17: The Examiner is not familiar with “Label 12”, “Label 15”, and Label 5”. Do these refer to items in the drawings?
- Page 6, Line 16: Does the “2” after vehicle refer to the drawings? Also, the term “event code” is not satisfactorily defined anywhere in the specification.
- Page 9, Line 7: “...double line represented the street.”.
- Page 9, Line 9: The specification mentions the beginning point as S; however, Figure 1 depicts the beginning point as X.
- Page 9, Line 11: What exactly is “Label 2”? Is this supposed to refer to the drawings?
- Page 10, Line 6: The specification mentions a “TNC” message. Shouldn’t this be TMC?
- Page 10, Line 7: There is no measure labeled 2 anywhere in the drawings.
- Page 10, Line 16: What is the label 15 L supposed to represent?
- Page 10, Line 17: There is no qualifier labeled 3 in the drawings.

- Page 12, Lines 2-3: The Examiner is not familiar with any of the terms in this sentence including "Label 2", "Label 5", "quantifier 9", or "quantifier CENV 12313-2".

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 4-7 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As mentioned in the discussion of the specification above, the Examiner is not familiar with "Label 15" or "Label 12" in relation to the ALERT-C protocol. Also, the terms "Label 2" and "event code" are not understood or satisfactorily defined anywhere in the specification.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

6. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the coded location" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the coded location" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-3, 7, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by **Myr** [U.S. 6,480,783].

For claim 1, the method of transmitting a position of a traffic obstruction taught by **Myr** uses digital coding performed by both the Central Traffic Unit CTU and the client vehicles CMUs, both having data banks with map databases. The CTU codes a rough position of an obstruction using entrance and exit times for a section part of a roadway such as R7 or R8 seen in Figure 21 that starts at a coded location and is between said coded location and the location of the client vehicle.

For claim 2, the section part transmitted by **Myr** is between a coded location and another location on the traffic way which is spaced from the coded location by a certain distance, as seen in Figures 18, 21, and 22.

For claim 3, the section part transmitted by **Myr** consists of a starting coded location and another location or node immediately adjoining the coded location.

For claim 7, each section part transmitted by **Myr** includes a position of a beginning of a traffic obstruction and an end of the traffic obstruction based on the length of each segment in the map database.

For claim 8, both the transmitter and receiver contain map databases for the continual updates of road networks and traffic obstructions.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kakihara et al [U.S. 5,293,163] is a navigation apparatus for displaying road information.

Hikita et al [U.S. 5,892,463] comprises a traffic information receiving unit as well as map information storage.

Takahashi et al [U.S. 5,999,877] monitors traffic flow and transmits information other vehicles.

Katou [U.S. 6,006,161] provides a present location map and guidance information.

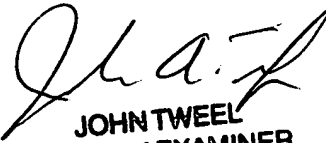
Art Unit: 2632

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Tweel, Jr. whose telephone number is 703 308 7826. The examiner can normally be reached on M-F 10-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 703 308 6730. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9314 for regular communications and 703 872 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 3900.

JAT
March 6, 2003


JOHN TWEEL
PRIMARY EXAMINER